



# Senate

General Assembly

**File No. 841**

January Session, 2019

Substitute Senate Bill No. 996

*Senate, April 29, 2019*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES  
CONCERNING THE CRIMINAL JUSTICE SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-102 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 No person, committee, association, organization or corporation shall  
4 employ any salaried commissioner or deputy commissioner of this  
5 state, or any person receiving a salary or pay from the state for services  
6 rendered and performed at Hartford, or shall give to any such person  
7 any advantage, aid, emolument, entertainment, money or other  
8 valuable thing for appearing for, on behalf of or in opposition to, any  
9 measure, bill, resolution or petition pending before the General  
10 Assembly or any committee thereof, or for advancing, supporting,  
11 advocating, or seeking to secure the passage, defeat or amendment of  
12 any such measure, bill, resolution or petition pending in or before the  
13 General Assembly or any committee thereof; nor shall any such  
14 salaried commissioner, deputy commissioner or other person

15 described in this section accept any such employment or perform any  
16 such service for another, or accept aid, emolument, entertainment,  
17 money, advantage or other valuable thing for or in consideration of  
18 any such service. Any person, committee, association, organization or  
19 corporation, or any such salaried commissioner, deputy commissioner  
20 or person receiving a salary or pay from the state for services rendered  
21 and performed at Hartford, who violates any of the provisions of this  
22 section, shall be fined not less than one hundred or more than one  
23 thousand dollars. All complaints for the violation of this section shall  
24 be made to the [state's attorney for the judicial district of New Britain,  
25 and said state's attorney] Chief State's Attorney, who shall, upon proof  
26 of probable guilt being shown, cause the arrest of any such offender  
27 and present such offender or cause such offender to be presented for  
28 trial before the [superior court for the judicial district of New Britain]  
29 Superior Court.

30 Sec. 2. Section 46b-150d of the general statutes is repealed and the  
31 following is substituted in lieu thereof (*Effective October 1, 2019*):

32 An order that a minor is emancipated shall have the following  
33 effects: (1) The minor may consent to medical, dental or psychiatric  
34 care, without parental consent, knowledge or liability; (2) the minor  
35 may enter into a binding contract; (3) the minor may sue and be sued  
36 in such minor's own name; (4) the minor shall be entitled to such  
37 minor's own earnings and shall be free of control by such minor's  
38 parents or guardian; (5) the minor may establish such minor's own  
39 residence; (6) the minor may buy and sell real and personal property;  
40 (7) the minor may not thereafter be the subject of (A) a petition under  
41 section 46b-129 as an abused, neglected or uncared for child or youth,  
42 (B) a petition under section 46b-128 or 46b-133 as a delinquent child for  
43 any act committed before the date of the order, or (C) a petition under  
44 section 46b-149 alleging that the minor is a child from a family with  
45 service needs; (8) the minor may enroll in any school or college,  
46 without parental consent; (9) the minor shall be deemed to be over  
47 eighteen years of age for purposes of securing an operator's license  
48 under section 14-36 and a marriage license under section 46b-20a; (10)

49 the minor shall be deemed to be over eighteen years of age for  
50 purposes of registering a motor vehicle under section 14-12; (11) the  
51 parents of the minor shall no longer be the guardians of the minor  
52 under section 45a-606; (12) the parents of a minor shall be relieved of  
53 any obligations respecting such minor's school attendance under  
54 section 10-184; (13) the parents shall be relieved of all obligation to  
55 support the minor; (14) the minor shall be emancipated for the  
56 purposes of parental liability for such minor's acts under section 52-  
57 572; (15) the minor may execute releases in such minor's own name;  
58 [under section 14-118;] (16) the minor may enlist in the armed forces of  
59 the United States without parental consent; and (17) the minor may  
60 access or obtain a certified copy of a birth certificate under section 7-51.

61 Sec. 3. Subdivision (1) of subsection (b) of section 52-570d of the  
62 general statutes is repealed and the following is substituted in lieu  
63 thereof (*Effective October 1, 2019*):

64 (1) Any federal, state or local criminal law enforcement official or  
65 agent of any such official who in the lawful performance of [his duties]  
66 such official or agent's duties, or at the request or direction of such  
67 official or agent in the performance of such official or agent's duties,  
68 records telephonic communications;

69 Sec. 4. Subsection (b) of section 53a-60a of the general statutes is  
70 repealed and the following is substituted in lieu thereof (*Effective*  
71 *October 1, 2019*):

72 (b) Assault in the second degree with a firearm is a class D felony or,  
73 if the offense resulted in serious physical injury, a class C felony, for  
74 which in either case one year of the sentence imposed may not be  
75 suspended or reduced by the court.

76 Sec. 5. Section 53a-214 of the general statutes is repealed and the  
77 following is substituted in lieu thereof (*Effective October 1, 2019*):

78 (a) A landlord or lessor of a [dwelling] residential or nonresidential  
79 unit subject to the provisions of chapter 830 [,] or 832, or an owner of

80 such a unit, or the agent of such landlord, lessor or owner is guilty of  
 81 criminal lockout when, without benefit of a court order, he or she  
 82 deprives a tenant, as defined in subsection (l) of section 47a-1, or a  
 83 lessee of a nonresidential unit, of access to [his dwelling] his or her  
 84 residential or nonresidential unit or his [personal] or her possessions.

85 (b) Criminal lockout is a class C misdemeanor.

86 Sec. 6. Sections 7-22, 7-81, 13a-69 and 13b-305 of the general statutes  
 87 are repealed. (*Effective October 1, 2019*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	1-102
Sec. 2	<i>October 1, 2019</i>	46b-150d
Sec. 3	<i>October 1, 2019</i>	52-570d(b)(1)
Sec. 4	<i>October 1, 2019</i>	53a-60a(b)
Sec. 5	<i>October 1, 2019</i>	53a-214
Sec. 6	<i>October 1, 2019</i>	Repealer section

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill increases the penalty for certain cases of assault in the second degree with a firearm and extends protections against criminal lockout to commercial lessees. To the extent that the bill results in increased or new violations, the bill results in a potential cost for incarceration or probation supervision and potential revenue from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

The bill makes additional changes that do result in a fiscal impact.

**The Out Years**

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 996*****AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM.*****SUMMARY**

This bill eliminates the statutory process for removing certain town clerks and treasurers (§ 6). It also makes minor revisions and various unrelated changes in laws related to the criminal justice system. The bill:

1. changes where complaints may be made about the unlawful employment, to influence legislative action, of anyone who is compensated by the state (§ 1);
2. extends an exemption that allows certain law enforcement officials to record private telephone conversations to also cover their agents when done for law enforcement purposes (§ 3);
3. conforms the maximum penalty for 2<sup>nd</sup> degree assault with a firearm to the maximum penalties for the underlying 2<sup>nd</sup> degree assault, but with a one year mandatory minimum (§ 4);
4. extends protections against criminal lockout to commercial lessees (§ 5); and
5. repeals laws that involve the state's attorney with a (a) town's noncompliance with highway construction orders and (b) railroad company's neglect of a highway or railroad (§ 6).

It also makes technical changes, including removing an obsolete reference (§ 2).

EFFECTIVE DATE: October 1, 2019

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**§ 6 — REMOVAL OF TOWN CLERK AND TREASURER**

The bill eliminates the statutory process for removing a town clerk and treasurer (CGS §§ 7-22 & -81). Among other things, the bill removes the statutory requirement that the (1) state's attorney must investigate, charge, and prosecute written misconduct complaints to remove a town clerk or treasurer for willful and material neglect of duty or incompetence and (2) Superior Court provide a written order of such removal if the evidence warrants it. (Without the statutory procedure, it is unclear how such a town clerk or treasurer would be removed from office.)

**§ 1 — STATE'S ATTORNEY AND SUPERIOR COURT'S JURISDICTION**

The law prohibits anyone from (1) employing individuals receiving pay from the state (e.g., commissioners) for services rendered and performed in Hartford or (2) providing them certain incentives (e.g., entertainment or money) related to influencing legislation. The law also prohibits such state-compensated persons from receiving such incentives.

The bill changes the jurisdiction for complaints of a violation of this provision by requiring them to be filed with the chief state's attorney for trial in any Superior Court. Under current law, they must be filed with the state's attorney for the New Britain judicial district, with the trial held at the New Britain Superior Court.

**§ 3 — ILLEGAL RECORDING OF PRIVATE TELEPHONE CONVERSATIONS**

The law generally prohibits anyone from recording a private telephone conversation without consent, verbal notification, or an automatic warning.

Existing law exempts, among others, federal, state, or local criminal law enforcement officials who record telephonic communications in the lawful performance of their duties. The bill extends this exemption to such officials' agents and those requested or directed to do so by such officials or agents.

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**§ 4 — 2<sup>ND</sup> DEGREE ASSAULT WITH A FIREARM**

The bill conforms the maximum penalties for 2<sup>nd</sup> degree assault with a firearm to the maximum penalties for the underlying 2<sup>nd</sup> degree assault offense (see BACKGROUND). But as under current law, the bill imposes a one year mandatory minimum to 2<sup>nd</sup> degree assault with a firearm sentences.

Under existing law, 2<sup>nd</sup> degree assault is a class D felony punishable by up to five years in prison, a fine up to \$5,000, or both. If it caused serious physical injury, it is a class C felony punishable by up to 10 years in prison, a fine up to \$10,000, or both. Under current law, 2<sup>nd</sup> degree assault with a firearm is a class D felony, but the bill increases the penalty to a class C felony if it caused serious physical injury. By law, a “serious physical injury” creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ's function (CGS § 53a-3(4)).

By law, a person is guilty of 2<sup>nd</sup> degree assault with a firearm when he or she commits 2<sup>nd</sup> degree assault using or armed with a firearm and threatens use, displays, or represents that he or she possesses a firearm (CGS § 53a-60a).

**§ 5 — CRIMINAL LOCKOUT**

The bill extends protections against criminal lockout to commercial lessees.

Under the bill, a landlord, lessor, owner, or his or her agent is guilty of criminal lockout if he or she deprives a tenant, including lessees, access to a residential or nonresidential unit or the tenant's possessions without a court order. Existing law already provides such protections to residential tenants, including lessees, sublessees, or individuals entitled under the rental agreement to occupy a residential unit to the exclusion of others.

By law, criminal lockout is a class C misdemeanor, punishable by up to three months in prison, up to a \$500 fine, or both.

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**§ 6 — STATE’S ATTORNEY’S ROLE REPEALED**

The bill repeals a law that requires the Superior Court to (1) direct another person to construct or alter a highway when a town fails to do so after the court orders it to comply and (2) grant a warrant, upon the state’s attorney’s complaint, against the town to collect the construction or alteration expense (CGS § 13a-69).

It also repeals a law that requires the state’s attorney to file a complaint and seek further action against a railroad company that neglects to construct any highway or bridge which it has a duty to construct or maintain (CGS § 13b-305).

**BACKGROUND*****2<sup>nd</sup> Degree Assault***

By law, a person commits 2<sup>nd</sup> degree assault when he or she does any of the following to someone:

1. intentionally causes serious physical injury;
2. intentionally causes physical injury by using a deadly weapon or dangerous instrument, other than discharging a firearm;
3. recklessly causes serious physical injury by using a deadly weapon or dangerous instrument;
4. for a purpose other than lawful medical or therapeutic treatment, intentionally causes stupor, unconsciousness, or other physical impairment or injury by administering, without the victim's consent, a drug, substance, or preparation capable of producing the same;
5. while on parole, intentionally causes physical injury to a Board of Pardons and Paroles employee or member; or
6. without provocation, strikes a person in the head, intentionally causing serious physical injury and rendering him or her unconscious (CGS § 53a-60).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/09/2019)